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June 18, 2010

**TO BE FILED UNDER SEAL**

The Honorable I. Leo Glasser  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. John Doe, 98 CR 1101 (JLG)

Dear Judge Glasser:

We represent the movant John Doe in this matter.

By letter dated June 14, 2010, counsel for Respondent Fred Oberlander informed the Court that Joshua Bernstein provided to Mr. Oberlander copies of the sealed documents at issue in these proceedings. Mr. Bernstein is a former employee of Bayrock Group LLC and, according to counsel for Respondent Oberlander, a former client of Mr. Oberlander.

On June 14, 2010, the Court adjourned the hearing on the present Order to Show Cause until June 21, 2010, so that we could subpoena Mr. Bernstein to provide evidence to the Court concerning, *inter alia*, how he obtained the sealed documents and to whom the sealed documents were distributed.

Counsel for Mr. Oberlander informed us that Mr. Oberlander does not represent Mr. Bernstein in connection with the matter presently before the Court but that Mr. Bernstein's father, Arnold Bernstein, is an attorney and might know whether his son is represented. On June 15, we spoke with Arnold Bernstein. Arnold Bernstein did not inform us who will be representing Josh Bernstein in this matter and declined to inform us where his son is presently located. Thereafter, we dispatched a process server to serve Mr. Bernstein personally. Despite repeated efforts, the process server has been unable to serve Mr. Bernstein with the subpoena.

Since it is uncertain when, if ever, we will be able to serve Mr. Bernstein with a subpoena, we respectfully request to proceed with the hearing and the sworn testimony of Respondents Fred Oberlander and Jody Kriss on Monday, June 21, 2010 at 10:30 a.m. Respondent Michael

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Ejekam is in Africa and we are currently working on a mutually acceptable arrangement with his attorney Stamatios Stamoulis to obtain Mr. Ejekam's sworn testimony.

If we are still unable to serve Mr. Bernstein by Monday, we will request an additional hearing date and issue a new subpoena to obtain Mr. Bernstein's sworn testimony on that new date. If we cannot reach an acceptable alternative arrangement with Mr. Stamoulis for the sworn testimony of Mr. Ejekam, we will request to proceed with his testimony on a future date as well.

Respectfully,



Kelly A. Moore

cc: Richard E. Lerner, Esq. (by E-Mail)  
Stamatios Stamoulis, Esq. (by E-Mail)  
Todd Kaminsky, Assistant United States Attorney (by E-Mail)